

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERIN JONES,

Plaintiff,

-against-

THE CITY OF NEW YORK,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
DOCUMENT
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17 Civ. 4894 (AT)

ORDER

Plaintiff commenced this lawsuit asserting two causes of action under the Americans with Disabilities Act: (1) that Defendant discriminated against her by failing to accommodate her disabilities, and (2) that Defendant wrongfully terminated her employment in retaliation for her request for accommodations. ECF No. 6 ¶¶ 59–77. On summary judgment, the Court dismissed the wrongful termination claim because she was fired lawfully pursuant to New York State Civil Service Law § 73.¹ ECF No. 133 at 17. Her *independent* cause of action for failure to accommodate remained, and is set for trial. *See McMillan v. City of New York*, 711 F.3d 120, 125–26 (2d Cir. 2013) (articulating the elements of a cause of action for failure to accommodate). Plaintiff argues that she is entitled to back pay from the date her employer was made aware of her need for accommodations until her termination on May 3, 2017. ECF No. 210. The Court agrees. Assuming a jury finds Defendant liable, Plaintiff may seek back pay from the date the jury determines Defendant was put on notice of her need for accommodations until Plaintiff’s lawful termination on May 3, 2017.

SO ORDERED.

Dated: July 19, 2022
New York, New York



ANALISA TORRES
United States District Judge

¹ The Court also dismissed as time-barred her failure to accommodate claim which accrued prior to March 1, 2016. *See* ECF No. 133 at 8–10.